

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In re:)	CASE NO: 10-43155-399
)	
VICTOR OSTROVSKY,)	CHAPTER 13
SVETLANA V. OSTROVSKY,)	
Debtors.)	NOTICE OF MOTION AND
)	MOTION TO RETAIN
)	INCOME TAX REFUND
)	No Hearing Date Set

**NOTICE OF MOTION TO RETAIN
INCOME TAX REFUND**

PLEASE TAKE NOTICE THAT Debtors have filed a Motion to Retain Income Tax Refund on March 15, 2011.

WARNING: ANY RESPONSIVE PLEADING IN OPPOSITION TO THE ABOVE MOTION MUST BE FILED IN WRITING WITH THE CLERK OF THE BANKRUPTCY COURT, ONE HUNDRED ELEVEN TENTH STREET, 4TH FLOOR, ST. LOUIS, MO 63102 AND WITH THE DEBTOR'S ATTORNEY AT THE ADDRESS INDICATED BELOW WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AND IN NO EVENT LATER THAN APRIL 5, 2011. IF NO RESPONSIVE PLEADING IS FILED, THE OBJECTION MAY BE SUSTAINED AND THE MOTION GRANTED WITHOUT FURTHER NOTICE TO ANY PARTY UPON SUBMISSION OF AN ORDER FROM DEBTORS' COUNSEL.

DEBTORS' MOTION TO RETAIN INCOME TAX REFUND

COMES NOW VICTOR OSTROVSKY AND SVETLANA V. OSTROVSKY, Debtors herein, and for their Motion to Retain Income Tax Refund, allege as follows:

1. Debtors have received a Federal Income Tax Refund of \$8,317.00 for the 2010 Tax Year and a State of Missouri Tax Refund of \$136.00 for a total refund of \$8,453.00.
2. Debtors are in need of all of the tax refund in the sum of \$7,083.16 for the following

expenses.

3. Debtors' roof needs to be replaced. Debtors have received an estimate from Performance Roofing, Inc. in the amount of \$3,973.00.
4. Debtors owe SSM St. Joseph Health Center \$480.00 for medical expenses for Debtor Svetlana V. Ostrovsky. This is the amount due insurance did not cover.
5. Debtors' income and expenses have changed dramatically as evidenced on Amended Schedules I and J. Debtor Victor Ostrovsky no longer has his second job. Debtor Victor Ostrovsky's mother has moved from the Ukraine to St. Louis. She is 70 years old, does not speak English and is living with Debtors. Debtor Svetlana V. Ostrovsky's sister was helping with living expenses in the amount of \$1,600.00 per month. Debtor's sister has passed away and Debtors are no longer receiving that income.
6. Debtors wish to retain two months of both of their mortgage payments. Debtors' first mortgage payment to BAC Home Loans is in the amount of \$1,112.19 (\$2,224.38). Debtors' second mortgage payment to Citi Mortgage is \$202.89 monthly (\$405.78). This would be a total of \$2,630.16 to use towards two months of first and second mortgage payments.
7. Debtors will surrender the remainder of the return, \$1,369.84 to the Trustee.
8. Debtors request that the Court order that the requirement of their confirmed plan that all income tax refunds be paid to the Trustee be waived as to the above—described income tax refund, and that they be permitted to retain a portion of the refund, \$7,083.16, and the remainder of the refund, \$1,369.84, turned over to the Trustee.

WHEREFORE, the Debtors request the Court to order that they be permitted to retain the income tax refund described above, and for any other order which the Court may determine to be just.

Dated: March 15, 2011

/s/Rochelle Stanton
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document, MOTION TO RETAIN TAX REFUND was served by depositing same in the U.S. Mail, first class, postage fully prepaid, this 15th day of March, 2011, to the following interested parties:

John V. LaBarge, Jr.
Chapter 13 Trustee
P.O. Box 430908
St. Louis, MO 63143

CitiMortgage
P.O. Box 689196
Des Moines, IA 50368-9196

UMB Bank NA
P.O. Box 419226
Dept. 116/Bkcy/MS 1110201
Kansas City, MO 64141-6226

Internal Revenue Service
P.O. Box 7317
c/o Missouri Cases
Philadelphia, PA 19101-7317

MO Dept. of Revenue
P.O. Box 475
Jefferson City, MO 65105-0475

FIA Card Services
1000 Samoset Drive
DE5-023-03-03
Newark, DE 19713

Chase Bank USA, NA
P.O. Box 15145
Wilmington, DE 19850-5145

ECast Settlement Corp.
P.O. Box 29262
c/o Chase Bank USA, NA
New York, NY 10087-9262

PRA Receivables Mgmt. LLC
P.O. Box 12914
c/o Portfolio Recovery Associates
Norfolk, VA 23541

Commerce Bank, NA
P.O. Box 419248 KC REC
Kansas City, MO 64141-6248

Discover Bank
P.O. Box 3025
c/o Discover Financial Services
New Albany, OH 43054-3025

Fifth Third Bank
1830 E. Paris SE
c/o Bankruptcy/MD#RSCB3E
Grand Rapids, MI 49546

GE Money Bank
P.O. Box 960061
DBA Care Credit
Orlando, FL 32896-0661

CR Evergreen, LLC
P.O. Box 91121
MS 550
Seattle, WA 98111-9221

Ashley Funding Services, LLC
P.O. Box 10587
c/o Resurgent Capital Services
Greenville, SC 29603-0587

I certify under penalty of perjury that the foregoing is true and correct. Executed this 15th day of March, 2011 at Frontenac, Missouri.

/s/Rochelle Stanton
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